



South Florida Water Management District

MINUTES GOVERNING BOARD WORKSHOP

March 12, 2008

1:00 PM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members Present:

Eric Buermann, Chair

Shannon Estenoz

Michael Collins

Nicolás Gutiérrez, Vice-Chair

Charles Dauray

Melissa Meeker

Patrick Rooney

Members Absent:

Harkley Thornton

Malcolm Wade

1. Call to Order - Eric Buermann, Chairman, Governing Board

Chair Buermann called the meeting to order at 1:05 pm.

Note: Mr. Gutiérrez arrived at the Workshop at 3:50 pm.

2. Pledge of Allegiance - Eric Buermann, Chairman, Governing Board

Melissa Meeker lead the group in the Pledge of Allegiance.

3. Approval of Minutes from the last month's Governing Board Meeting

Approval of the February 13, 2008, Workshop and the February 14, 2008, Business Meeting Minutes held in West Palm Beach, FL

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 3

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney. Not present: Nicolás Gutiérrez. Motion passed.

4. Agenda Addendum - Annette Carter, Director, Governing Board and Executive Services

Annette Carter, Director, Office of Governing Board and Executive Services, said there were no changes to the agenda.

5. Abstentions by Governing Board Members from items on the Workshop Agenda

There were no abstentions by Governing Board members.

6. Pull Items from Consent for Discussion on Governing Board Meeting Agenda

There were no items pulled from the Consent Agenda to the Discussion Agenda.

7. Water Resources Advisory Commission (WRAC) Report- Michael Collins, Chair

Michael Collins provided an oral report on the Water Resource Advisory Commission meeting that was held on March 6, 2008. Mr. Collins reported on the WRAC action items. Mr. Collins also reported on the Lake Okeechobee Committee meeting which was held on February 27, 2008 in Stuart. Audubon recommended Paul Gray as alternate for Jacquie Weisblum.

Ms. Estenoz provided an update on the development of the Statewide Stormwater Rule.

Mr. Collins requested the Board formally accept the WRAC report.

Motion made by Shannon Estenoz, seconded by Melissa Meeker to Approve the following item(s): 7

Vote called. Voting yes: Shannon Estenoz, Melissa Meeker, Eric Buermann, Michael Collins, Charles Dauray, Patrick Rooney. Not present: Nicolás Gutiérrez. Motion passed.

Water Resources

8. Overview of Chapter 373, Florida Statutes (Continued) - Environmental Resource Permitting - Water Quality Criteria Susan Martin, Sr. Specialist Attorney, Office of Counsel; and Robert M. Brown, Director, Regulation Department

Susan Martin, Sr. Specialist Attorney, provided information on the Water Quality criteria in the Environmental Resource Permitting (ERP) Program.

Ms. Martin reported on the Florida Department of Environmental Protection's (DEP) role:

- Sole authority to adopt water quality standards (§403.061(11), Fla. Stat.)
- Adopt a program for the prevention, control and abatement of pollution of the waters of the state and classification of waters (§403.061(10), Fla. Stat.)
- Coordinate the states stormwater program (§403.061(32), Fla. Stat.)
- Adopt, in consultation with WMDs, water quality criteria for wetlands (§403.061(11)(c)), Fla. Stat.)

Ms. Martin reported on the impaired water bodies classified by DEP and the ERP statutory provisions.

Robert M. Brown, Director, Environmental Resource Regulation, presented information on the operating agreement between WMDs and DEP's permitting responsibilities.

Mr. Brown presented information on controlling stormwater and impacts to water quality. Mr. Brown discussed retention and detention of stormwater. He also discussed grassed conveyance swales and inlets in grassed areas. Mr. Brown reported on land use and coverage criteria plus underground exfiltration systems. Mr. Brown also reported on the water quantity discharge rates and flood protection.

9. **Authorize publication of a Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Chapters 40E-4 and 40E-41, F.A.C., to add Part V, Lake Okeechobee and Estuary Watersheds Basin, to develop supplemental water quantity criteria for Environmental Resource Permits in the Basin - Damon Meiers, Director, Stormwater Improvement Division**

Damon Meiers, Director, Stormwater Improvement Division, presented information on the District's water quality initiatives. Mr. Meiers reported on the current and water proposed quality ERP rules.

Mr. Dauray asked about the credits that will be given to the municipalities.

Mr. Meiers provided additional information on the credits.

Mr. Meiers reported on the benefits of the proposed unified statewide stormwater rule.

Mr. Meiers presented information on Lake Okeechobee & Estuary Watershed Basin Rule and provided staff's recommendation.

Mr. Dauray asked about the complexity of the rules.

Mr. Merriam provided information on the laws and new water quality (listen).

Mr. Olliff provided additional information on the rule development process and the District's authority.

Ms. Estenoz provided comment on the water quality and water quantity criteria of the rule.

Ms. Meeker provided comment on the rulemaking and the language pertaining to water quality.

Mr. Dauray reported on education outreach.

Public Comment: Jacquie Weisblum, Audubon, commented on nutrient loads, the statewide rule and language covering water quality. She stated support for moving forward with the basin rule.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 9

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Patrick Rooney. Not present: Shannon Estenoz, Nicolás Gutiérrez. Motion passed.

10. Lake Okeechobee Service Area Water Availability Rule Development Update - Chip Merriam, Deputy Executive Director, Water Resources Management

Chip Merriam, Deputy Executive Director, Water Resources, presented information on the Lake Okeechobee Service Area Water Availability Rule Development Update. Mr. Merriam reported on the schedule for the rule development.

Public Comment: Jacquie Weisblum, Audubon of Florida, commented on the water demands of Lake Okeechobee and said they look forward to working with staff on this rule development.

11. Update on Greater Kissimmee Basin Projects - Lawrence Glenn, Director, Kissimmee Division

Lawrence Glenn, Director, Kissimmee Division, presented information on the projects in the greater Kissimmee Basin. Mr. Glenn reported on the effects of the channelization of the Kissimmee River and the ecological integrity goal of the river.

Mr. Glenn reported on headwater revitalization of the Kissimmee River, the Phase I backfilling of the river, the sandbar formations, river channel vegetation, floodplain vegetation, and river channel invertebrates.

Mr. Glenn reported on duck and shorebird species returning to the Kissimmee River after the backfilling project.

Ms. Meeker asked about Minimum Flows and Levels (MFLs) for the restored area.

Mr. Merriam provided additional information pertaining to an MFLs for the restored area.

Mr. Dauray thanked staff for their hard work on these projects.

12. Update on Local Government Comprehensive Plan Review Outreach - Chip Merriam, Deputy Executive Director, Water Resources Management

Mr. Merriam presented information on the local government comprehensive plan, Senate Bill 360 and 444, and the increased focus on alternative water supplies. Mr. Merriam reported on the 10-year water supply facility work plan.

Ms. Estenoz reported on the meetings she has had with the municipalities and utilities in Broward County on alternative water supplies and sub-regional solutions. She requested a joint meeting with Broward County Commissioners and local officials from each city in Broward County to discuss alternative water supplies.

Mr. Merriam said Broward County is organizing a meeting to discuss the issues and the Board would be invited to participate in this meeting.

Mr. Dauray requested some local officials from Southwest Florida who have alternative water supplies be invited.

Ms. Wehle reported on comprehensive plans and growth management.

Everglades Restoration Resources

13. Everglades Restoration Update - Tommy Strowd, Assistant Deputy Executive Director, and Tom Teets, Program Implementation Manager, Everglades Restoration Resources

Tommy Strowd, Assistant Deputy Executive Director, provided an update on Everglades Restoration. Mr. Strowd reported on the EAA A1 reservoir and the C-111 Spreader Canal Phase 1 project. He reported on the C-111 Spreader Canal Phase 1 stakeholder meetings.

Operations and Maintenance

14. Update on Lake Okeechobee Emergency Actions for Structure Stability Concerns and Water Shortage Pumps - Cled Weldon, Director, Engineering Department

Cled Weldon, Director, Engineering Department, presented information on the Lake Okeechobee Emergency Actions for structure stability concerns and water shortage pumps. Mr. Weldon reported on each of the structures surrounding the Lake. Mr. Weldon reported on the S-72 Tail Water Weir, the scour hole at S-65E, and the S-65E Tail Water Weir site.

Mr. Dauray asked about the funding for these projects.

Mr. Olliff said the funding is in Operations and Maintenance's reserve budget.

Executive Office

15. CLOSED DOOR SESSION

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, Ext. 6976)

Chair Buermann announced the Board would convene to Closed-Door Session. He reported they would reconvene in approximately 60 minutes.

Chair Buermann reconvened the meeting at 5:00 pm.

Sheryl Wood, General Counsel, reported no action shall be taken on Agenda Item 15.

- 16.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, Ext. 6976)

This item was postponed.

17. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)

This item was postponed.

18. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Teitelbaum, et al., v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 04-21282 CA 15. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Teitelbaum, et al., v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 04-21282 CA 15. (Sheryl G. Wood, Ext. 6976)

This item was postponed.

19. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in South Florida Water Management District v. Snow, et al., Twentieth Judicial Circuit, Lee County, Florida, Case No. 03-1771-CA. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in South Florida Water Management District v. Snow, et al., Twentieth Judicial Circuit, Lee County, Florida, Case No. 03-1771-CA. (Sheryl G. Wood, Ext. 6976)

Sheryl Wood, General Counsel, stated action would be taken on Agenda Item 19.

Ed Artau, Sr. Attorney, presented information on Agenda Item 19.

Approval is for Resolution 2008-336.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 19

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney. Motion passed.

20. **Adjourn**

Chair Buermann adjourned the meeting at 5:05 pm.

Eric Buermann
Governing Board Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD